1890-035 Chancery Causes: Nancy Jane Patrick vs. Benjamin F. Patrick
Lee Co.
by ic

Miller, Graham, Spencer

CA-Divorce
T-Vices
Health/Medicine

To the Hon. H. L. K Morison
Judge of the Circuit Court
of Lee County Virginia.

The bill of Complaint of Nancy Jane Patrick an infant and married woman who sues by her mother and next friend Mary Miller humbly complaining would respectfully represent, that your Complainant heretofore intermarried with one Benj. F. Patrick, as he represented himself - That her said Husband remained with her only a few days, when he became, abusive ill and disagreeable, and such was his Conduct towards her that she was put in great fear of her life - He then without cause so far she then knew and without any provocation upon your Complainant's part, abandoned her, fled the Country and has gone to parts unknown to her

Your Complainant was and still is a mere Child ignorant of the deceptions and lewd practices of such villainous people - She was

deceived and imposed upon by this vile and brutal man, nor was she fully aware of the extent of the injury done her until he had been gone for several weeks, such was her ignorance, that it was many days before she learned the fact that her said husband had, communicated to her the the foul loathsome and dangerous disease of Syphilis, from which she has greatly suffered and still endures while in an encinte condition

Your complainant since she learned this fact has refused to live with or recognize said Patrick as her husband, and could not without degradation do so - And she alleges that he continues to bear the seeds of this loathsome disease and that at the time of her marriage it rendered him unfit & incompetent for the marriage state and that such fact was wholly unknown to her, then and for a long time afterwards.

He said Patrick was to her a comparative stranger whose

antecedent were & are unknown to her - She has heard it currently reported that he was at the time of said marriage a married man and on that information charges that he was & that said marriage was void.

Your Complainant was at the time is now, and all her life long has been a resident of Lee County Virginia.

The object of this bill therefore is to obtain a decree for divorcement and to have said marriage annulled vacated and your Complainant released therefrom. And for all other further and general relief. May supra issue &c.

A. L. Prideemore

p. q.

R	7.51
Cons.	2.50
Ct	16.00
Dr.	5.00
	$30.01

P

Nancy Jane Patrick

vs

Bill Ohy.

Benj. F. Patrick

1890 2 July Rules Bill filed Sps not Exd & O.P.

" 1st Aug Rules Cont'd for Order Pub

" 2 Aug. Rules O.P. Completed & Cause set for hearing by Def

" Sept Term Recru returning Cause from the Docket.

80 to 90

P

Nancy Jane Patrick Plff
against — } In Chancery.
Benjamin F. Patrick Deft.

This cause came on to be heard, upon the bill of the plaintiff, and the depositions of witnesses, and was argued by Counsel, and it appearing to the Court that order of publication has been duly made and published against the defendant and completed the time required by law and the defendant failing to appear and plead or answer. It is Consideration of all which and for reasons appearing to the Court it is adjudged ordered & decreed that the plaintiff be and she is hereby granted a divorce a mensa et thoro (from bed and board) free from the restraint or control of her said husband, and that the plff recover against the defendant her Costs of this suit. And this cause is retired from the docket with leave to the plaintiff to reinstate the same should she be so advised

Nancy J Patrick

vs } Decree

Benj F. Patrick

Entd. Chy O.B. 4

page 293. Sept. 4 1890

J. A. S. Hyatt C

Enter this decree

H. S. K. M.

Sept 5th 1890.

The deposition of J. P. Graham taken at the Clerks Office of the Circuit Court for Lee County on the 9th day of August 1870, which are intended to be read as evidence in favor of the Pltff in the Chancery cause now pending in said Court in which Nancy Jane Patrick is Pltff and Benj F. Patrick is Defendant.

Said John P. Graham being duly sworn deposes and says.

Question 1 By Plaintiff
State whether or not you are a practicing Physician? and whether or not you treated one B. F. Patrick for syphilis before his marriage with Jane Miller, and have treated her for the same disease since their separation - And whether or not a man suffering from such a disease is fit to enter into the marriage state?

Ans I am a practicing Physician
I did treat one B. F. Patrick for Syphilis prior to his marriage to one Jane Miller

I am not certain how long but it was several weeks
I have treated said Jane Miller for Syphilis since her marriage to said B. F. Patrick, they separated before I had knowledge of her disease, a man suffering from such disease certainly is not fit to enter the marriage relation
I have lived in some three miles of Jane Miller since her birth and have known her and her family verry familiarly and never heard any thing disreputable said of her untill since her marriage to said Patrick She is now and has ever been a citizen of this county and further this deponent sayeth not

John R. Graham

M. B. Spencer an other witness of lawful age being duly sworn, deposes and says:
Interrogatories first by pltff
Are you a practicing physician, and if so, did you ever treat B. F. Patrick for syphilis before his marriage with Jane Miller, and here

long before said marriage - from his condition was he in a suitable condition to enter into the marriage relation

Ans.

I am a practicing Physician and did treat said Patrick for syphilis prior to the time that I learned he had married Jane Miller probably a month before -

2nd

At the time of his marriage I did not consider that he was in a suitable condition to enter into the marriage relation - As the disease was liable to break out at any time - or even at the time that I treated him the disease might have been imported to any with whom he might have cohabited

Further recur this deponents saysth not

W W Spencer M.D.

Sworn to Aug. 8 1890.

The further taking of depositions in this Cause is continued until Aug. 12th 1890.

J. A. S. Hyatt Comr

Met pursuant to adjournment at Lee County circuit Courts office on this 12th day of Aug. 1890.

Mary Millen a witness of lawful age being duly sworn deposes and says—

I am the mother of Nancy Jane Patrick the Pltff in this cause we reside in this County about 2½ Miles N. East of Jonesville

My daughter is only 16 years old, She was married on saturday before last Christmas to Benj F. Patrick the Deft in this Cause — my daughter was in good health when she was married,

Soon after her marriage her husband Benj F. Patrick abandoned her and has not been heard of by us since last March about the 15th.

My daughter is now in

a pregnant state, and suffering very seriously from the effects of a disease commonly called the "Bad disorder" communicated to her by her said husband.

And further this witness saith not.

Mary his × mark Miller

Virginia

Lee County to wit:

I J. A. L. Hyatt Comm'n Chancery for Lee Circuit court do hereby certify that the foregoing depositions were taken before me at the times & places and for the purposes mentioned in the caption, Sworn to & subscribed by the witnesses in due form

Given under my hand this 12th Aug. 1890

J. A. L. Hyatt Comm'n

Nancy Jane Patrick
vs
Deft.
Benj. F. Patrick

Filed Aug. 12 1890
J. A. G. Hyatt C

Comrs Fee $2.50

Virginia Lee County to wit.
This day Mary Miller personally appeared before me and made oath that Benj: F. Patrick as she is informed and believes is a non-resident of the State of Virginia - And that his last place of abode known to her was that of Lee County Virginia - That his present whereabouts are unknown to her. Given under my hand this June 27th 1890.

J. A. G. Hyatt Clerk

Nancy Jane Patrick

vs. Affidavit

Benj. F. Patrick

Filed June 27 1890

J. A. L. Hyatt Clk

In the Clerk's Office of the Circuit Court of the County of Lee on the 17th day of July 1890.

Nancy Jane Patrick Plaintiff

against

Benj. F. Patrick Defendant

In Chancery

The object of this suit is to obtain a divorce from the bonds of matrimony now existing between the Plaintiff and Defendant

And an affidavit having been made and filed that the defendant Benj. F. Patrick is not a resident of the State of Virginia, it is ordered that he do appear here within fifteen days after due publication hereof, and do what may be necessary to protect his interest in this suit. And it is further ordered that a copy hereof be published once a week for four week's in some newspaper, and that a copy be forthwith posted at the front door of the court-house of this county.

A copy—Teste:

A. L. Pridemore p. q. J. A. L. Hyatt Clerk.

Nancy J. Patrick
vs } Order Pub
Benj. F. Patrick

I certify that I delivered to the Lee County Repub. an office copy of this order for Pub and posted a like copy thereof on the front door of Lee Court house on the 1st day of Aug. County Court 1890.

J. A. S. Hyatt C

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon Benj. F. Patrick

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the ~~first~~ third Monday in July 1890 next, being rule day to answer a bill in Chancery exhibited in our said Court against him by Nancy Jane Patrick

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.
This 8th day of July 1890, in the 115th year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste J. A. G. Hyatt

for

Benj. F. Patrick

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon Benj. F. Patrick

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the ~~first~~ third Monday in July 1890 next, being rule day to answer a bill in Chancery exhibited in our said Court against him by Nancy Jane Patrick

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse. This 5th day of July 1890, in the 115 year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste

A.L.P.

Nancy Jane Patrick

vs } Spa in Chy

Benj. F. Patrick

Lo 2nd July Rules 1890.

not Executed not
~~Returned~~ Aug 1890
C. B. Rinehard
for A. C. Murray
S.C.

VIRGINIA.—In the Clerk's Office of the Circuit Court of the County of Lee, on the 17th day of July 1890.

Nancy Jane Patrick Pltff
vs. } In Chan'y.
Beny F. Patrick Deft.

The object of this suit is to obtain a divorce from the bonds of matrimony now existing between the Pltff and Deft.

And an affidavit having been made and filed that the defendant Beny F. Patrick is not a resident of the State of Virginia, is ordered that he do appear here with in 15 days after due publication hereof, and do what may be necessary to protect his interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in some newspaper, and that a copy be forthwith posted at the front door of the court house of this county.

A copy—Teste:

J. A. G. HYATT, Clerk.

A. L. PRIDMORE, p. q. 2 50

I Robert Bolin Pub. of The Lee County Republican, do hereby certify that the order hereto attached, was duly published in the above named paper for four consecutive weeks ending Aug. 17th 1890.

R. L. Bolin,
Pub.

N. Jane Patrick
vs
Benj. F. Patrick

Rub certif

Filed Aug. 17th 1870
J. A. Stratt C

Rub fee $5-00